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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,120	05/06/2004	Milton Richter	238-P	7229

7590 01/25/2005
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EXAMINER

NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/840,120

Applicant(s)

RICHTER, MILTON

Examiner

Tuan N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-7 are objected to because of the following informalities: "designed to" in line 1 is an indefinite language and should be change. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,551,922 (hereinafter Watson).

In regard to claim 1, Watson discloses an assembly for reversibly accepting a toilet seat comprising a toilet bowl with a rear flange (18) having at least one cylindrical vertical opening (40) therethrough; at least one rod (32) substantially longer than the thickness of the flange and dimensioned to be received within the vertical opening, the rod being threaded on its outer surface; thread means (34,38) disposed within the vertical opening for cooperation with the threaded rod and for securely retaining the threaded rod within the vertical opening; at least one toilet seat bracket (12) to which the toilet seat is attached, the bracket for securing the toilet seat to the toilet bowl flange, and the bracket comprising attaching means (22,24) to attach the bracket to the toilet seat, a base member (16) having a top surface and a bottom surface and an opening

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(26) therethrough, the opening being large enough for the rod to pass through, and a cap (14); whereby when the toilet seat is placed on the flange so the opening in the bracket communicates with the vertical opening in the flange, the rod can be passed through the opening the bracket into the vertical opening in the flange a sufficient distance such that the rod is secured therein by cooperation with the thread means (34,38) and the top of the rod projects above the top surface of the bracket and can be covered by the cap, and thereafter, the toilet seat can be removed from the toilet by removing the cap and lifting it from above the flange and can easily be replaced thereon.

In regard to claim 2, the thread means (34,38) comprises threading formed at member (34) disposed about the walls of the vertical opening in the flange, the threading sized to cooperate with the threading on the outer surface of the rod.

In regard to claim 4, the Watson assembly further has a head (30) permanently affixed to the top of the rod, the head being larger in diameter than the rod, to secure the toilet seat in place and whereby the rod must be removed in order to remove and replace the toilet seat, such removal and replacement being accomplished from above the flange.

In regard to claim 6, the Watson assembly further has a countersink (27) in the top surface of the bracket surrounding the opening.

In regard to claim 7, the Watson assembly further has a recess in the underside of the cap (see Fig. 2).

In regard to claims 8 and 9, the method as claimed would be inherent during normal assembly of the Watson assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson, as discussed above, in view of US Patent 6,637,040 (hereinafter Alba) and further in view of US Patent 4,489,447 (hereinafter Umehara).

The Watson thread means (34,38) is one type of fastener to fasten the bolt from the top of the toilet bowl; however, Alba discloses (see Fig. 3) an alternative type fastener in a toilet bowl so as to allow the user to fasten from the top of the bowl that can be employed as thread means in the Watson device. The Alba fastener comprises a tubular insert (66) embedded within the walls of the vertical opening in a flange (60) of the toilet bowl, the insert having a substantially smooth exterior wall and a threaded interior wall, the threading sized to cooperate with the threading (48) of the outer surface of a rod (46). The tubular insert is commonly known to be embedded within a passage with an adhesive means such as that discloses in col. 4, lines 13-22 of Umehara (if not already) for permanently securing the insert within the vertical opening.

4. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson.

It would have been obvious to one having ordinary skill in the art to substitute the thread bolt of Watson with a wing nut and threaded rod as claimed since these type of fasteners are well known and are available at a hardware store.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller, Fig. 6, discloses a thread hole in the toilet bowl for a toilet seat hinge.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN


Tuan Nguyen
Primary Examiner
Art Unit 3751
1/23/05